## REMARKS

Claims 1-14 are pending in this application. Applicants have amended claim 1 and the specification. Applicants believe that no new matter has been added by the amendment contained in this Office Action Response.

### Response to Disclosure Objections

The Examiner objected to the disclosure because of informalities associated with references to a parent application. Applicants have amended the specification as requested by the Examiner. Applicants believe the Objection has been addressed and that the application is in condition for allowance.

### Response to 35 U.S.C. §102 Rejection

*The Bloebaum patent application:*

The Examiner rejected claims 1, 3 and 4 under 35 U.S.C. §102(e), as being anticipated by Bloebaum (US Patent Application Publication No. 2002/0082774 A1, here after the Bloebaum Patent Application). The Bloebaum Patent Application, in paragraph 7 describes; "The mobile terminal determines whether a position estimate satisfying the desired quality of service can be provided with aiding data currently stored in its memory." Thus, aiding data is always used in determining the location of the mobile. The Bloebaum Patent Application just makes a determination to use aiding data currently stored in memory or acquiring aiding data from a remote source. Applicants, in amended independent claim 1, claim; "a communication system, coupled to the GPS section and the call processing section, for selectively transmitting first data to the GPS terminal from the location aiding server and receiving data from the GPS terminal to be sent to the location aiding server, based on the first message and the second message if the QoS response message indicates that first data is required by the GPS section in order to provide

6

a predetermined QoS, otherwise no location aiding data is employed." Thus, the Bloebaum

Patent Application fails to describe or teach using aiding data when the QoS can not otherwise be

obtained. Therefore, Applicants respectfully submit that independent claim 1 and claims 2-14

that depend from independent claim 1 are in condition for allowance.

### *Tsujimoto Patent Application:*

The Examiner rejected claims 1-14 under 35 U.S.C. §102(e), as being anticipated by

Tsujimoto (US Patent Application Publication 2002/0145560, here after the Tsujimoto Patent

Application). Applicants direct the Examiner's attention to the filing date of the Tsujimoto

Patent Application. The filing date of the Tsujimoto Patent Application is April 5, 2001.

Applicants' application claims priority to United States Patent 6,703,971 B2, that claims priority

to United States Provisional Patent Application No. 60/270,682 filed on February 21, 2001.

Therefore, the Tsujimoto Patent Application is not prior art under 35 U.S.C. §102(e) because it

has a filing date after Applicants' application. Thus, Applicants submit that claims 1-14 are in

condition for allowance.

### *Watters Patent:*

The Examiner rejected claims 1, 3-6 and 10-12 under 35 U.S.C. §102(e), as being

anticipated by Watters (US Patent 5,982,324). The Examiner states that at column 20, lines 44 to

column 21, lines 18 describe elements of Applicants' claim 1. Column 20, lines 44 to column

21, lines 18 recite:

> "Thereafter, as long as the requisite number of GPS satellites are in
> view of GPS receiver portion 1005, the GPS receiver portion
> continues to calculate position in this manner. Thus, in block
> 1110, the GPS receiver portion 1005 determines whether the
> requisite number of GPS satellites are in view. If the requisite
> number of GPS satellites are in view (i.e., the answer to the inquiry

7

is yes"), then at block 1115, the GPS receiver portion 1005 again calculates (or simply updates) the position of the mobile terminal using GPS. This process is generally repeated every second or few seconds. Of course, the time between successive calculations can be set to any desired amount. In addition, at block 1115, the time offset of transmission of the periodic signals from each base station may be recalculated and updated, and stored in the cellular position processor 1025 or the central processor 1015. Then, the next step will be at block 1110, where the same inquiry as to the requisite number of GPS satellites being in view is made.

However, if the answer to the inquiry at block 1110 is "no," that is, the number of visible GPS satellites has dropped below the requisite level (usually four), then the position determination for the mobile terminal 1000 is switched over to the cellular position processor 1025. This is shown at block 1120. The switching over may be carried out by the central processor 1015. In addition, the information of the last known position of the mobile terminal 1000 and each of the base stations 1030, 1035, and 1040, along with the time offset of transmission of the periodic signal from the base stations, is made available to cellular position processor 1025 if it does not already have the information. The cellular position processor 1025 calculates position using the periodic signals from the base stations, as described below."

Thus, the Watters patent teaches and describes an inquiry (block 1110) by <u>the GPS receiver portion 1005</u> that determines whether the requisite number of GPS satellites are in view. If the requisite number of GPS satellites are in view, then at block 1115, <u>the GPS receiver portion 1005</u> again calculates (or simply updates) the position of the mobile terminal using GPS. If the requisite number of the GPS satellites are not in view then the position determination for the mobile terminal 1000 is switched over to the cellular position processor 1025. Thus, the GPS receiver determines when the mobile terminal 1000 is switched over to the cellular position processor.

Applicants, in independent claim 1, claim; "a first message being passed from the call processing section to the GPS section via the interface, and a second message is passed via the interface from the GPS section to the call processing section in response thereto, wherein the first message is a Quality of Service (QoS) message and the second message is a QoS response

8

message...." Therefore, a first message is passed from the call processing section to the GPS

section. This is opposed to the teachings and descriptions contained in the Watters patent of the

GPS receiver portion determining when to switch over to the cellular position process.

Thus, the Watters patent fails to teach or describe all the elements of amended

independent claim 1 and it is in condition for allowance. Further, claims 3-6 and 10-12 that

depend from allowable independent claim 1 are also in condition for allowance.


## Response to 35 U.S.C § 103 Rejections

*Bloebaum in view of Krasner:*

Claim 2 depends from allowable independent claim 1 and thus is in condition for

allowance.


*Watters in view of Biacs:*

Claim 2 depends from allowable independent claim 1 and thus is in condition for

allowance.


## Response to Double Patenting Rejection

*U.S. Patent 6,462,708:*

The Examiner rejected claims 1-14 under the judicially created doctrine of obviousness-

type double patenting as being unpatentable over patent claim 19 of US 6,426,708 (hereafter the

708 patent). The Examiner states that the "[p]resent Application claim 1 is essentially the same

as patent claim 19, where that Patent's "strategy selector" (column 10, line 1) is equivalent to the

Present Application's "call processing section" and the Patent's "GPS section and the strategy

selector pass information between the GPS section and the strategy selector" (column 12, lines

9

15-17) is equivalent to the Present Application's exchanging a first message and second

message." Applicants point out that the '708 patent requires elements of a GPS section, a

strategy selector, and a communication system. If the strategy selector is the same as the call

processing section, than what is the communication system in the '708 patent. The strategy

selector is a separate element from the communication system and should not be interpreted in a

way that results in the elimination of an element. Applicants submit that the call processing

section can not be interpreted as being a strategy selector and a communication system as

claimed in the '708 patent. Thus, the claims of the '708 patent are distinct and require different

elements than the present application.

Serial No.: 10/760,607
Docket No.: ST01005C1 (137-US-C1)
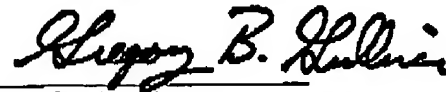
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**Conclusion**                                                          JAN 3 1 2007

In view of the foregoing discussion and amendments, Applicants respectfully submit that

claims 1-14 as presented are in a condition for allowance, which action is earnestly solicited.

Respectfully submitted,
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11